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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
 )  
SATELLITE CD RADIO, INC. )  
 )  
Application for Digital Audio )  
Radio Service Satellite System )

File Nos. 49/50-DSS-P/LA-90;  
58/59-DSS-AMEND-90;  
44/45-DSS-AMEND-92

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DOMESTIC FACILITIES DIVISION  
SATELLITE RADIO BRANCH

**MOTION FOR ACCEPTANCE  
OF SUPPLEMENTAL COMMENTS**

Pursuant to section 1.45(c) of the Commission's Rules,<sup>1</sup> Satellite CD Radio, Inc. (CD Radio), hereby requests permission to file the attached set of "Supplemental Comments" in the above-captioned proceeding. In support of this request, the following is shown:

Acceptance of the attached pleading would ease the administrative burden of the Commission. The attached Supplemental Comments contain CD Radio's proposed rules that would permit the agency to grant the above-captioned application. The comments eliminate any claim that CD Radio's application and the applications of other entities are mutually exclusive.

Moreover, although these comments are filed after the period for replies in this docket, no party will be prejudiced: The pleading and its attachment concern issues not yet addressed in the license applications.<sup>2</sup> Indeed, the comments cover issues that would not

<sup>1</sup> 47 C.F.R. § 1.45(c) (1993).

<sup>2</sup> 7 F.C.C. Rcd 7776, 7779 (1992) (noting the need to adopt "final rules" for SDARS).

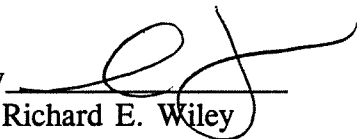
normally be considered until the adoption of a *Further Notice of Proposed Rulemaking*.

Parties participating in this licensing are being provided copies of this filing so they may review and comment upon this filing, before such time as the Commission issues any such *Further Notice*.

For the foregoing reasons, the Commission should accept the attached pleading and proceed to develop final service rules and license qualified applicants.

Respectfully submitted,

By

  
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of

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November 9, 1994

CERTIFICATE OF SERVICE

I, Barbara A. Pomeroy, hereby certify that the foregoing Motion for Acceptance of Supplemental Comments of Satellite CD Radio, Inc. was mailed via first class, postage prepaid mail on November 9, 1994, to the persons on the attached list.

  
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